## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT CHATTANOOGA

UNITED STATES OF AMERICA,	)	
	)	
v.	)	No. 1:09-CR-098-TRM-CHS-013
	)	
BRIAN SANDERS	)	

## MEMORANDUM AND ORDER

BRIAN SANDERS ("Defendant") appeared for hearings on December 22, 2021 and January 6, 2022, in accordance with Rules 5 and 32.1 of the Federal Rules of Criminal Procedure on the Petition for Summons for an Offender Under Supervision [Doc. 923], Petition for Warrant for an Offender Under Supervision [Doc. 924], and Amended Petition for Warrant for an Offender Under Supervision [Doc. 931] ("Petitions") in the above matters. At the December 22, 2021 hearing, it was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petitions. The Government moved that Defendant be detained without bail pending resolution of his pending Petitions. Defendant waived his right to a preliminary hearing but requested a detention hearing and time to prepare for said hearing, which was scheduled to take place on January 6, 2022. Defendant was temporarily detained until his detention hearing [Doc. 929].

On January 6, 2022, Defendant announced to the Court that he was waiving his right to a detention hearing. Based on the waiver, I find Defendant, with advice of counsel, waived his right to a detention hearing, but a detention hearing may be granted at a later date on motion of Defendant. Thus, the Government's motion that Defendant be **DETAINED WITHOUT BAIL** pending further order is **GRANTED** and Defendant shall be held in custody by the United States Marshal and produced for future hearings.

Based upon the Petitions and waiver of preliminary hearing, the Court finds there is probable cause to believe Defendant has committed violations of his condition of supervised release as alleged in the Petitions.

## Accordingly, it is **ORDERED** that:

- (1) Counsel for Defendant and the Government shall confer and make best efforts to submit to U.S. District Judge McDonough a proposed Agreed Order with respect to an appropriate disposition of the Petitions for Warrant for Offender Under Supervision.
- (2) In the event counsel are unable to reach agreement with respect to an appropriate disposition of the Petitions for Warrant for Offender Under Supervision, they shall request a hearing before U.S. District Judge McDonough.

(3) The Government's motion further order from this Court is <b>GR</b> .	n that Defendant be <b>DETAINED WITHOUT BAIL</b> pendin NTED.	g
SO ORDERED.		
ENTER.	s/ Susan K. Lee	

SUSAN K. LEE UNITED STATES MAGISTRATE JUDGE